

### **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed December 14, 2007. The Applicant has amended independent claims 23, 38 and 40, as indicated above. Upon entry of the amendments in this response, claims 23 – 44 remain pending. The Applicant respectfully requests that the application and all pending claims be reconsidered and allowed.

I. Allowed Claims 27 – 36, 39 and 40

The Applicant acknowledges that claims 27 – 36, 39 and 40 have been allowed. However, as explained below, the Applicant respectfully submits that claims 23 – 26, 37, 38, and 41 – 44 are also patentable over the cited art and, therefore, should also be allowed.

II. Claims 23 – 26, 37, 38, and 41 – 44 are Patentable Over the Cited Art

The Office Action rejects claims 23 – 26 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,512,617 to Tanji (“the ‘617 patent”). In the Applicant’s Response and Amendment submitted October 31, 2007, it was argued that independent claim 23 is patentable over the ‘617 patent for at least the reason that the reference fails to disclose, teach, or suggest the programmable control device being an internal component of the optical transmission module. Or, stated another way, the optical transmission module does not have separate external pins for connecting to the programmable control device. In response to these arguments, the current Office Action indicates that this argument is unpersuasive. The Office Action states that the EEPROM 15 in the ‘617 patent is “an internal part of the overall transceiver module”. The Office Action appears to be taking the position that the optical transceiver system in the ‘617 patent corresponds to the optical transceiver module recited in independent claim 23. This position becomes clearer when considering the final statement in

the Office Action: “While the applicant implies that the programmable module is internal to the integrated CMOS circuit, the claim language is not as specific”.

The Applicant has amended independent claim 23 as indicated above to further clarify this distinction between an optical transceiver system comprising an integrated circuit and an external EEPROM (as taught by the ‘617 patent) and the recited optical transceiver module comprising an internal programmable control device. Independent claim 23 as amended further clarifies that the optical transceiver module is embodied in an integrated circuit. The programmable control device necessarily resides on the integrated circuit and, therefore, unlike the optical transceiver system of the ‘617 patent, it is an internal component which does not require an external pin connection, not an external component.

For at least this reason, the Applicant respectfully submits that the rejection of independent claim 23 under 35 U.S.C. §102(b) is improper and should be withdrawn. Dependent claims 24 – 26, 37 and 41 – 44 (which depend from independent claim 23) are also patentable over the ‘617 patent for at least the reason that these claims include all of the features/limitations/elements of the corresponding base claim. Accordingly, the Applicant respectfully requests that all rejections be withdrawn and the claims allowed.

## CONCLUSION

For at least the reasons set forth above, the Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 23 – 44 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (813) 382-9345.

Respectfully submitted,

/Adam E. Crall/

---

**Adam E. Crall, Reg. No. 46,646**

**SMITH, FROHWEIN, TEMPEL, GREENLEE BLAHA LLC**  
P.O. Box 88148  
Atlanta, Georgia 30356  
(770) 804-9080

## CERTIFICATE OF MAILING

I hereby certify that this paper is being electronically submitted to the United States Patent & Trademark Office on March 13, 2008.

/Adam E. Crall/

---

Signature